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Before the
Federal Communications Commission
Washington, D.C. 20554

FEB 13 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Number Portability Query Services

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CC Docket No. 98-14

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Pacific Bell Tariff F.C.C. No. 128,
Transmittal No. 1962

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CCB/CPD 97-65

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**PACIFIC BELL'S RESPONSE
RESPONSE TO ORDER DESIGNATING ISSUES FOR INVESTIGATION AND
MOTION TO TERMINATE INVESTIGATION ORDER**

Pacific Bell presents this filing in response to the Commission's Order Designating Issues for Investigation (the "Investigation Order") and requests that the current investigation be declared moot due to the development of updated cost support and demand forecasts which will result in revised tariffed rates and charges.

INTRODUCTION

On July 7, 1997, Pacific Bell filed a revision to Tariff F.C.C. No. 128, under Transmittal No. 1962, to implement rates and charges, including Service Provider Number Portability ("SPNP") query services (the "SPNP Tariff"). Pacific Bell's filing included a detailed Description and Justification and full cost support.¹

¹ Pacific Bell filed contemporaneously with the Tariff a Petition for Establishment of New Part 69 Rate Elements pursuant to section 69.4(g) of the Commission's Rules ("Petition for New Rate Elements") to permit Pacific Bell to initiate new rate elements that encompass those included in the SPNP Tariff and now made the subject of the Investigation Order. Pacific Bell's Petition for New Rate Elements was subsequently amended, and these amended rate elements were approved pursuant to Commission Rule 69.4(g).

At the time the SPNP Tariff was filed, Pacific Bell submitted the best available information on the costs underlying the SPNP services to support the SPNP Tariff.

Pacific Bell also submitted the best available estimates of demand for SPNP.

In the over seven months since the SPNP Tariff was filed, however, Pacific Bell has accumulated actual data concerning its costs to implement number portability in accordance with the Commission's orders.² In that same time, actual experience in deploying number portability and determining how costs related to that deployment are incurred has made the estimates of costs and demand that are currently on file less accurate than those that Pacific Bell can now derive.

Importantly, Pacific Bell has no customers for the services made the basis of the SPNP Tariff. Therefore, Pacific Bell customers will not be harmed if Pacific Bell is permitted to make the requested change to its SPNP Tariff.

Pacific Bell should be permitted to file updated support and demand forecasts and revised tariffed rates and charges.

REQUEST FOR RELIEF

Pacific Bell, therefore, respectfully requests that it be permitted to refile its demand and cost data in support of the proposed SPNP Tariff, together with any necessary revisions to its tariffed rates and charges as outlined in the SPNP Tariff. Pacific Bell will submit such information and revisions by March 13, 1998.


² In the Matter of Telephone Number Portability, CC Docket No. 95-116, First Report and Order, FCC 96-286 (released July 2, 1996)("First Report and Order"); In the Matter of Telephone Number Portability, CC Docket No. 95-116, First Memorandum Opinion and Order on Reconsideration, FCC 97-74 (released March 11, 1997)("First Reconsideration Order"); In the Matter of Telephone Number Portability, CC Docket No. 95-116, Second Report and Order, FCC 97-289 (released August 18, 1997)("Second Report and Order").

Pacific Bell, therefore, respectfully requests that:

1. The Bureau terminate the above-captioned and numbered tariff investigation with respect to Pacific Bell;
2. Pacific Bell's obligation to file a response be deemed moot; and
3. Pacific Bell be permitted to file updated cost support, demand forecasts, and tariffed rates and charges on March 13, 1998.

Respectfully submitted,

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